



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

For immediate release
January 23, 2006

Contact: Jeff Lungren/Terry Shawn
202-225-2492

Sensenbrenner Highlights PATRIOT Act Conference Report Civil Liberty Safeguard #19

WASHINGTON, D.C. – With the PATRIOT Act due to expire on February 3 unless the Senate approves the reauthorization conference report, House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today highlighted another one of the dozens of civil liberties safeguards included in the PATRIOT Act conference report approved last month by a bipartisan majority of the House and pending before the U.S. Senate.

PATRIOT Act Conference Report Civil Liberty Safeguard #19 – Requiring Notice Be Given on Delayed-Notice Search Warrants Within 30 Days of the Search:

Prior to the enactment of the PATRIOT Act in 2001, the U.S. Courts had authorized delayed-notice search warrants under limited circumstances. For these special situations, the PATRIOT Act adopted the Courts' practice of requiring law enforcement to provide notice within a reasonable amount of time after the search has been carried out. Some were concerned that using a "reasonable amount of time" standard could allow abuse. Thus, **the PATRIOT Act reauthorization conference report narrows and clarifies this standard by providing a Court the discretion to delay notice for up to 30 days after the search is executed.** This new conference report civil liberty safeguard is not found in current law.

Notice has been delayed in only rare cases. As of January 31, 2005, the Justice Department has requested delayed-notice search warrants approximately 155 times since passage of the PATRIOT Act on October 26, 2001 out of the tens of thousands of search warrants authorized each year. These warrants make up fewer than 1 in 500 search warrants obtained in that period.

Delayed-notice search warrants have been a valuable tool used by law enforcement for decades. Like all criminal search warrants, a delayed-notice search warrant is issued by a federal judge only upon a showing that there is probable cause to believe that a crime has been or will be committed and that the property sought or seized constitutes evidence of this criminal offense. **Notice is delayed only to protect an on-going investigation and the safety of the American public.** Not delaying notice could allow a terrorist or criminal to flee the country, destroy evidence about his activity, alert associates to go into hiding, or even kill witnesses who could implicate the individual.

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